

Maurice H. Blum (JD-3212)  
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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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FRED ALSTON, as Trustee of THE LOCAL 272 :  
LABOR MANAGEMENT FUND; FRED ALSTON, :  
as a Trustee of THE LOCAL 272 WELFARE FUND, :

Plaintiffs, :

- against - :

WALL STREET GARAGE PARKING CORP., :

Defendant. :

-----X

Civil Action No.  
08civ01231(RMB)

**ANSWER**

Defendant BEACON 76<sup>TH</sup> STREET GARAGE CORP. ("GARAGE"), by way of an Answer  
to the Complaint of plaintiff FRED ALSTON, as Trustee of THE LOCAL 272 :  
LABOR MANAGEMENT FUND; FRED ALSTON, as a Trustee of THE LOCAL 272 WELFARE  
FUND ("UNION") says:

**FIRST COUNT**

1. It denies so much of the allegations contained in Par. 1 of Complaint which allege that the  
plaintiff commenced this action to enforce obligations of defendant to the subject plans, and for interest  
additional interest. Reasonable attorney's fees and costs of action, and admits the remainder thereof.

2. It admits the allegations contained in Pars. 4, 5, 6,7, 8,9,and 10 of the Complaint.

3. It denies knowledge or information sufficient to form a belief as to the truth of the  
allegations contained in Pars. 2, 3, and 11 of the Complaint.

4. It denies each and every allegation contained in Pars. 13 and 15 of the Complaint.

FIRST AFFIRMATIVE DEFENSE

5. The Complaint, in whole or in part, fails to state a claim upon which relief may be granted.

SECOND AFFIRMATIVE DEFENSE

6. Plaintiff's claims are barred by the doctrine of unclean hands.

THIRD AFFIRMATIVE DEFENSE

7. Plaintiff's claims are barred due to fraud by the plaintiff.

FOURTH AFFIRMATIVE DEFENSE

8. That at all times mentioned in the Complaint, defendant GARAGE complied with the terms of the UNION plans and made the required contributions and payments thereto based on the number of employees Garage employed, which contributions UNION duly accepted.

9. The plaintiff's claims in this action lack merit and was instituted solely to extort additional monies from the defendant which are unjustifiable under the terms of the UNION agreements.

WHEREFORE, defendant BEACON 76<sup>TH</sup> STREET GARAGE CORP. demands judgment in its favor and against plaintiff FRED ALSTON, as Trustee of THE LOCAL 272 LABOR MANAGEMENT FUND; FRED ALSTON, as a Trustee of THE LOCAL 272 WELFARE FUND dismissing the Complaint with prejudice, together with attorney fees, the costs of defending this action and for such other and further relief as this Court deems appropriate.

Dated: March 31, 2008

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**JURY DEMAND**

Defendant hereby demands a trial by jury of all issues so triable herein.

Dated: March 31, 2008

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LABOR MANAGEMENT FUND; FRED ALSTON,	:
as a Trustee of THE LOCAL 272 WELFARE FUND.	:
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Plaintiffs,	:
	:
- against -	:
	:
WALL STREET GARAGE PARKING CORP.,	:
	:
Defendant.	:
-----X	

Civil Action No.  
08civ001231(RMB)

PROOF OF SERVICE

The undersigned hereby certifies and declares under penalty of perjury that on this date, a true copy of Defendants Answer with Jury Demand was served by First Class mail and email addressed to the following:

Jeffrey S. Dubin, Esq.  
Attorney for Plaintiff  
464 New York Avenue, Suite 100  
Huntington, New York 11743  
and  
[dubinjs@cs.com](mailto:dubinjs@cs.com)

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements are willfully false, I am subject to punishment.

Dated: April 1, 2008

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Maurice H. Blum (JD-3212)  
Attorney for Defendant